

**STATE OF CALIFORNIA
THE RESOURCES AGENCY
THE RECLAMATION BOARD
RESOLUTION NO 07-04
ADDENDUM TO
AMERICAN RIVER WATERSHED COMMON FEATURES
LOWER AMERICAN RIVER FEATURES
MAYHEW LEVEE SACRAMENTO COUNTY, CALIFORNIA
FINAL ENVIRONMENTAL IMPACT REPORT**

WHEREAS, Congress authorized the American River Watershed (Common Features), California Project (Project) in the Water Resources Development Act of 1996; and

WHEREAS, the State authorized the Project in 1997 under California Water Code Sections 12670.10, 12670.14 and 12670.16; and

WHEREAS, Congress re-authorized the Project in the Water Resources Development Act of 1999; and

WHEREAS, the U.S. Army Corps of Engineers is the federal sponsor and National Environmental Policy Act lead agency, The Reclamation Board (Board) is the nonfederal sponsor and California Environmental Quality Act (CEQA) lead agency and Sacramento Area Flood Control Agency is the local sponsor for the Project; and

WHEREAS, in November 2006 the Board certified an Environmental Impact Report for the Project titled *American River Watershed Common Features Lower American River Features Mayhew Levee Sacramento County, California Final Environmental Impact Report (EIR)*; and

WHEREAS, in order for the Project to function, a closure structure at the mouth of the Mayhew Drain is necessary; and

WHEREAS, the Project, including a levee with a slurry wall, is scheduled to be constructed in 2007 and the Mayhew Drain closure structure is scheduled for construction in 2008; and

WHEREAS, in order to facilitate construction and the timely completion of the Project and the Mayhew Drain closure structure, the Project has been modified to extend the slurry wall about 150 feet across the Mayhew Drain; and

WHEREAS, three high pressure sewage pipes cross the levee within the Project footprint; and

WHEREAS, the Project has been modified to construct a seepage berm at the location of the sewage pipes to provide the necessary flood protection; and

WHEREAS, CEQA Guidelines Section 15164 states that the lead agency shall prepare an addendum to a previously certified EIR or Negative Declaration if some changes or additions are necessary but none of the conditions requiring either a subsequent Negative Declaration or a subsequent EIR, described in CEQA Guidelines Section 15162 exist; and

WHEREAS, the modifications will have minimal impacts that are within the scope of those described in the EIR, the Statement of Findings, and the Mitigation Monitoring Plan and therefore no new environmental document would be required to disclose these impacts.

NOW THEREFORE BE IT RESOLVED that The Reclamation Board of the State of California

- a. has considered the Addendum to the American River Watershed Common Features Lower American River Features Mayhew Levee Sacramento County, California Final Environmental Impact Report;
- b. finds that the conditions for adopting an Addendum have been met;
- c. adopts the Addendum;
- d. approves the extension of the slurry wall and the seepage berm.

**ADDENDUM TO
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FINAL ENVIRONMENTAL IMPACT EPORT
(SCH 2005 052067)**

Purpose

The purpose of this Addendum to the environmental document titled *American River Watershed Common Features Lower American River Features Mayhew Levee Sacramento County, California Final Environmental Impact Report* (EIR), is to provide information to The Reclamation Board and for the record that additions to the project will be necessary. These additions are an extension of the slurry wall across the mouth of the Mayhew Drain and the construction of a seepage berm that will be placed where three sewage pipes that cross the levee.

The 150-foot slurry wall across the Mayhew Drain is a proposed extension of the slurry wall discussed in the EIR for the American River Watershed (Common Features), California Project – Mayhew Levee Raise (Project). The slurry wall extension will become part of the closure structure set to be constructed at the Mayhew Drain during 2008. The closure structure is an integral part of the Project. Without it, the Project cannot function as designed and a large area protected by the Project would be at risk for catastrophic flooding from the American River. The impacts of the construction of the closure structure will be further analyzed in a separate environmental document.

Since the Project is crossed by three high pressure sewage pipes, construction of a slurry wall at this location would pose an unacceptable risk of damaging the sewage pipes. A 13 x 72-foot seepage berm at the landside toe of the levee adjacent to the sewage pipes has been determined to be the most cost effective way to protect the integrity of the high pressure pipes while providing the desired level of flood protection. The seepage berm will be located entirely on public property owned by the Sacramento Regional County Sanitation District.

Decision to prepare an Addendum

Section 15164 of the California Environmental Quality Act Guidelines provides for circumstances where an addendum is appropriate:

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

In addition Section 15164 requires the Board to consider the addendum with the final EIR prior to making a decision on the project and recommends that an explanation of the decision not to prepare a subsequent EIR be included in the record. The explanation must be supported by substantial evidence somewhere in the record.

The preparation of an Addendum to the EIR for this project is based on the following:

- While the slurry wall extension and the seepage berm construction are a small extension of the project slurry wall, they are integral parts of the Project and are necessary for the Sacramento River Flood Control Project, which will include the Project, to function as intended;
- the additional impacts associated with the construction of the extension of the slurry wall and the berm will be very minor and will be within the range of impacts discussed in the EIR, and will be mitigated by the mitigation measures disclosed in the EIR, the Statement of Findings, and the Mitigation Monitoring Plan approved by the Board at the November 2006 meeting.

The EIR certified in 2006 discusses the impacts of the construction of the new levee, including a slurry wall to prevent seepage on the American River east of the Mayhew Drain to replace the existing deficient levee. The EIR anticipated that the slurry wall would extend uninterrupted through the entire length of the new levee, and did not include a gap at the sewage lines, or the extension across the Mayhew Drain. Therefore, an EIR addendum is necessary to include the construction of a seepage berm and the extension of the slurry wall across the Mayhew Drain.

The Board adopted a Statement of Findings when it certified the EIR that impacts to recreation, air quality, vegetation and wildlife, special status species (Valley Elderberry Longhorn Beetle), cultural resources, hazardous toxic and radiological wastes would be mitigated to a less than significant level. The additional incremental impacts from the construction of the slurry wall extension and the berm will not change the impacts evaluated in this Statement of Findings.

The EIR also analyzed impacts to esthetics, traffic, noise and vibrations and concluded that these impacts could not be reduced to less than significant after the implementation of mitigation measures and the Board adopted a Finding of Overriding Considerations for these impacts.

The mitigation measures adopted for traffic, noise and vibrations in the EIR will be applied to the slurry wall extension and to the berm. The impacts from the truck trips to traffic, noise and vibrations from the construction of the additional slurry wall and the berm are incrementally small compared to the impacts from the levee construction but taken together with the impacts from the levee construction impacts to traffic, noise and vibrations will remain significant

and unavoidable. The impacts to traffic, noise and vibrations are therefore within the scope of those included in the Finding of Overriding Considerations.

The EIR identified significant impacts to esthetics that could not be mitigated to less than significant.

The additional slurry wall will be located entirely within the concrete lined Mayhew Drain and will not be visible. The seepage berm will extend into a vacant lot and will not change the overall visual resources in the area.

The construction of the extended slurry wall and seepage berm will not have an impact on visual resources and esthetics.

For these reasons, no additional EIR or Negative Declaration will be necessary for these added features, and an Addendum to the EIR is the appropriate document to disclose the environmental impacts associated with the addition of these features.